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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 RIGHTHAVEN LLC, a Nevada limited-
liability company,

12
13 Plaintiff,

14 v.

15 RALPH ROBERTS REALTY, LLC, a
16 Michigan domestic limited-liability company;
and RALPH R. ROBERTS, an individual,
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18 Defendants.
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Case No.: 2:10-cv-01601

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

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21 Righthaven LLC (“Righthaven”) complains as follows against Ralph Roberts Realty,
22 LLC (“Ralph Roberts Realty”) and Ralph R. Roberts (“Mr. Roberts”; collectively with Ralph
23 Roberts Realty known herein as the “Defendants”) on information and belief:
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26 **NATURE OF ACTION**

27 1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.
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PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Ralph Roberts Realty is, and has been at all times relevant to this lawsuit, a Michigan domestic limited-liability company.

5. Ralph Roberts Realty is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant of the Internet domain found at <flippingfrenzy.com> (the “Domain”).

6. Ralph Roberts Realty is, and has been at all times relevant to this lawsuit, identified by GoDaddy as an administrative contact and technical contact for the Domain.

7. Mr. Roberts is, and has been at all times relevant to this lawsuit, identified by GoDaddy as an administrative contact and technical contact for the Domain.

8. Mr. Roberts is, and has been at all times relevant to this lawsuit, identified by the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”), as the founder of the Website.

9. Mr. Roberts is, and has been at all times relevant to this lawsuit, the self-proclaimed owner of the copyright(s) in the work(s) posted on the Website, as evidenced by a copyright notice displayed on the Website: “A Ralph Roberts Site, Copyright 2005-2008.”

JURISDICTION

10. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

11. Righthaven is the owner of the copyright in the literary work entitled: “Las Vegas home builder indicted in mortgage fraud case” (the “Work”), attached hereto as Exhibit 1.

1 12. At all times relevant to this lawsuit, the Work has depicted and depicts the
2 original source publication as the Las Vegas *Review-Journal*.

3 13. The Defendants willfully copied, on an unauthorized basis, the Work from a
4 source emanating from Nevada.

5 14. On or about July 29, 2010, the Defendants displayed, and continue to display, an
6 unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 2, on the
7 Website.

8 15. The subject matter, at least in part, of the Work and the Infringement, is the
9 mortgage fraud-related indictment of a Las Vegas, Nevada-based construction company owner.

10 16. At all times relevant to this lawsuit, the Defendants knew that the Work was
11 originally published in the Las Vegas *Review-Journal*.

12 17. At all times relevant to this lawsuit, the Defendants knew that the Infringement
13 was and is of specific interest to Nevada residents.

14 18. The Defendants' display of the Infringement was and is purposefully directed at
15 Nevada residents.

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18 **VENUE**

19 19. The United States District Court for the District of Nevada is an appropriate
20 venue, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to
21 the claim for relief are situated in Nevada.

22 20. The United States District Court for the District of Nevada is an appropriate
23 venue, pursuant to 28 U.S.C. § 1391(c), because Ralph Roberts Realty is subject to personal
24 jurisdiction in Nevada.

25 21. The United States District Court for the District of Nevada is an appropriate
26 venue, pursuant to 28 U.S.C. § 1400 (a), because the Defendants are subject to personal
27 jurisdiction in Nevada.

FACTS

22. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. § 102(a)(1).

23. Righthaven is the owner of the copyright in and to the Work.

24. The Work was originally published on or about July 28, 2010.

25. On September 15, 2010, the United States Copyright Office (the “USCO”) received Righthaven’s official submittal for the registration to the Work, including the application, the deposit copy, and the registration fee (the “Complete Application”), Service Request No. 1-487413398, and attached hereto as Exhibit 3 is the official USCO application submittal for the Work depicting the occurrence of the Complete Application.

26. On or about July 29, 2010, Mr. Roberts posted the Infringement on the Website, and the indication of Mr. Roberts’ posting of the Infringement on the Website is attached hereto as Exhibit 2.

27. On or about July 29, 2010, the Defendants displayed, and continue to display, the Infringement on the Website.

28. The Defendants did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

29. The Defendants were not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

30. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 29 above.

31. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. § 106(1).

32. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. § 106(2).

1 33. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. § 106(3).

3 34. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
4 U.S.C. § 106(5).

5 35. The Defendants reproduced the Work in derogation of Righthaven's exclusive
6 rights under 17 U.S.C. § 106(1).

7 36. The Defendants distributed, and continue to distribute, an unauthorized
8 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
9 17 U.S.C. § 106(3).

10 37. The Defendants publicly displayed, and continue to publicly display, an
11 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
12 rights under 17 U.S.C. § 106(5).

13 38. Ralph Roberts Realty has willfully engaged in the copyright infringement of the
14 Work.

15 39. Mr. Roberts has willfully engaged in the copyright infringement of the Work.

16 40. The Defendants' acts as alleged herein, and the ongoing direct results of those
17 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
18 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

19 41. Unless the Defendants are preliminarily and permanently enjoined from further
20 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
21 entitled to preliminary and permanent injunctive relief against further infringement by the
22 Defendants of the Work, pursuant to 17 U.S.C. § 502.

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25 **PRAYER FOR RELIEF**

26 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

27 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
28 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related

1 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
2 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
3 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
4 directing, participating in, or assisting in any such activity;

5 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
6 or electronic copies:

7 a. All evidence and documentation relating in any way to the Defendants'
8 use of the Work, in any form, including, without limitation, all such evidence and
9 documentation relating to the Website;

10 b. All evidence and documentation relating to the names and addresses
11 (whether electronic mail addresses or otherwise) of any person with whom the
12 Defendants have communicated regarding the Defendants' use of the Work; and

13 c. All financial evidence and documentation relating to the Defendants' use
14 of the Work;

15 3. Direct GoDaddy, and any successor domain name registrar for the Domain, to
16 lock the Domain and transfer control of the Domain to Righthaven;

17 4. Award Righthaven statutory damages for the willful infringement of the Work,
18 pursuant to 17 U.S.C. § 504(c);

19 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
20 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

21 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
22 law; and

23 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated this seventeenth day of September, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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